



Submission Form

Send your submission to reach us by 4.00 pm on **Wednesday, 18 April 2018**

Submission Number
Office use only

057

Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: air@boprc.govt.nz
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Submitter Name: **Ian GEAR**

On behalf of the

Stakeholders in Methyl Bromide Reduction Inc

A consortium of key stakeholders seeking to find alternatives to methyl bromide; and, tools and technologies to manage and reduce methyl bromide emissions.

This is a submission on **Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan**
Specifically S.7.8 – Methyl bromide and fumigation

- 1 (a) Members of STIMBR are directly affected by aspects of the Proposed Plan Change 13 (Air Quality) Specifically S.7.8 – Methyl bromide and fumigation
- 2 (b) The submission relates to meeting New Zealand's international and national obligations to the environment, international trade and market access
- 3 (c) Neither STIMBR nor its members (levy payers i.e. those paying voluntary levy that funds STIMBR's research activities) can gain a market advantage over a levy paying competitor through this submission.
- 2 The details of my submission are in the attached table.
- 3 I wish to be heard in support of my submission.
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing.

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POSITION STATEMENT

STIMBR invests in robust defensible and durable science to inform sound decision making regarding alternative phytosanitary treatments to methyl bromide and to identify and introduce tools and technologies to assist in the management of methyl bromide emissions.

1. STIMBR is a consortium of key stakeholders with a common interest identifying sustainable alternatives for methyl bromide including tools and technologies to manage methyl bromide emissions. STIMBR is a research investor with a history of leveraging its funds with co-funding from other sources with a shared interest in meeting the goals.
2. STIMBR relies on income derived from a voluntary levy paid by the forestry industry on the fumigants methyl bromide and phosphine. Note: while forestry is the main user, this also applies to horticultural exports, and indeed some imports. STIMBR enjoys the support of all but a few smaller players in the industry. Levy income is leveraged with co-funding from sources including central government agencies, Crown Research Institute discretionary funding and other research investors.
3. STIMBR makes this submission on behalf of its constituents.
4. While STIMBR's constituency includes all users of methyl bromide over 90% of the methyl bromide use in New Zealand is as a phytosanitary treatment for export logs and sawn forest products.
5. Forestry is an important contributor to our ecosystem services including assisting in meeting New Zealand's Paris Climate Change commitment to reduce the country's net greenhouse gases to 30 per cent below 2005 levels by 2030. Other ecosystem benefits include contributing to erosion control and the improvement of water quality in catchments [recognising that the harvesting phase carries a heightened risk of sedimentation occurring at and immediately following harvesting].
6. The forestry sector is also a significant economic contributor in the Bay of Plenty. Production of logs from commercial forests significantly exceeds the demand from domestic processors resulting in the need to export significant volumes. These exported logs require phytosanitary treatment. Were it not possible to economically export these logs, there would be considerable adverse effects in both domestic processing and in the communities that rely heavily on the forestry sector for their economic wellbeing.
7. The New Zealand Forest Owner's Association data reports that the plantation forest harvest in 2017 was approximately 33.5 million cubic meters. While domestic consumption accounts for approximately 8-9 million cubic meters of high grade logs [i.e. the lower part of the stem] the surplus must be exported in either log or processed form. Approximately 18.5 million cubic meters of logs were exported in 2017. The value of log exports for the June 2017 year was \$2.7 billion.
8. As the need to identify and introduce sustainable alternatives to methyl bromide is well documented and understood the focus of this submission is to ensure that the users of phytosanitary fumigants can operate throughout New Zealand under consistent rules that are determined through evidence based decision making that is informed by robust science and technical analysis.
9. STIMBR notes that the EPA is the agency mandated to manage hazardous chemicals. It has the capacity and capability to analyse data pertinent to a given substance, the expertise to identify and assess risk and to develop appropriate controls to manage the risk associate with substances. The EPA must take into account effects on social, economic, safety, and environmental factors.

SUBMISSION POINTS - Comments

Page No	Ref	Support / Oppose	Decision Sought	Reason(s) / notes
P141	7.8.1		<p>Council is obligated to make decisions based on fact. STIMBR asks that Council seeks out and uses reputable science to formulate policy and decisions.</p>	<p>Within the document there are a number of subtle, and not so subtle, misrepresentations of the facts. Various reasons may have led to this situation, including the authors not being subject matter experts, not having access to reputable scientific resources and a possible reliance on the internet for their information.</p> <p>For instance, the authors state that “methyl bromide is also a greenhouse gas and ozone-depleting substance....” Methyl bromide is an ozone depleting gas – that is not disputed. There are no references in the scientific literature that methyl bromide is regarded as a greenhouse gas. The American National Oceanic and Atmospheric Administration do not include methyl bromide in the list of greenhouse gases (26) it monitors globally. Likewise the United Nations’ Ozone Secretariat does not describe methyl bromide as a greenhouse gas. While it is recognised that methyl bromide does have a global warming potential that potential is very low (2) when compared with methane (28), nitrous oxide (265) and the chlorofluorocarbons (ranging from 4,660-13,900).</p> <p>Refer, Grossman et al. (1997) in the Journal of Geophysical Research, Vol. 102, where they state with respect to methyl bromide that their “...results indicate that the current emission rates [at that time pre-plant use of methyl bromide as a fumigant had not been phased out] are too low to contribute meaningfully to atmospheric greenhouse heating effects.” In other words, methyl bromide is not a greenhouse gas. Greenhouse gases include carbon dioxide and chlorofluorocarbons (once used as refrigerants), but not methyl bromide. Anthropomorphic methyl bromide emissions are considered too low to contribute meaningfully to atmospheric greenhouse heating effects. This is even more pertinent as methyl bromide use as a pre-plant soil fumigant was phased globally out by 2015.</p> <p>Some countries, e.g., Australia, combine atmospheric protection regulation to include both ozone depleting compounds and greenhouse gases. Inaccurate interpretation (or only reading the regulation titles) can result in misidentification of methyl bromide as a greenhouse gas, especially if bias against methyl bromide and a lack of scientific acumen are involved.</p>

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P147			Where methyl bromide recapture technology is used as stipulated by the EPA the use of methyl bromide is deemed by the BoPRC to be a controlled, non-notified activity.	Note that a recommendation to council by OPUS (2015) 'was to require resource consents for methyl bromide (as required by current plan), except where recapture technology is used where it would be a controlled, non-notified activity.'
P147			Recapture / destruction requirements to be determined by the EPA. Where the EPA considers that recapture / destruction technologies are not required [i.e. the science does not support the need] the BoPRC will not impose rules requiring the use of recapture technologies.	The scientific and technical expertise to analyse relevant data, identify risks and determine appropriate mitigations sits within the EPA.
P147			The monitoring results for methyl bromide emissions during fumigation and venting reported by Genera to Council are used to inform decisions regarding appropriate buffer distance. These distances should at a maximum be those determined by the EPA unless there are consistent exceedances which should be referred to the EPA for review.	STIMBR notes the Envirofume application for consent to fumigate using methyl bromide relied on a technology that was not a recapture / destruction system i.e. it did not prevent methyl bromide emissions. Genera, has developed significant monitoring capability using standard monitoring practices and capacity since 2017. Regular reports are furnished to Council. TEL and WES levels are significantly lower than the EPA determined thresholds.

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P149	7.8.3 All Options			International treaties are a given – they cannot be contracted out of by the BoPRC.
P149	7.8.3 All Options			New Zealand's Ozone Protection legislation is also a given.
P149	7.8.3 Options 3	Qualified Support	<p>The adoption of an option to manage fumigation that is based on:</p> <ol style="list-style-type: none"> 1. General rules within the proposed plan, 2. Regional Policy Statement 3. Draw where appropriate on those provisions of the RMA and HSNQ Act that regional councils are bound to while 4. Respecting the expertise and decisions of the Environmental Protection Authority and not imposing greater unwarranted 'protections'. 	<p>STIMBR favours a situation similar to Option 3 which recognises the expertise of the EPA and the mandate that it has to protect the environment while carefully balancing social, economic, safety, and environmental factors to ensure evidence based decisions to provide an environment that we want now, and in the future.</p> <p>It is noted that EPA assessments of new (or reassessment of existing) fumigants include a public submission phase. This allows the EPA's risk determination (based on robust assessment of the science) and opinions of industry and community groups to be accommodated in the EPA's final decision/controls.</p>
P150	Option 3		Ditto.	<p>STIMBR notes the use of the words '<i>less stringent</i>'. We do not believe the provisions of the proposed option 3 are '<i>less stringent</i>'. In the context in which the phrase is used it is a leading statement. Option 3 better reflects the situation as it should be and as such should be considered '<i>fit for purpose</i>'.</p>

CONTACT PERSON: Ian R Gear, Executive Officer / Research Director Stakeholders in Methyl Bromide Reduction Inc
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P151 <i>onward</i>	Effectiveness statements and scores		Balanced decisions are sought that are informed by science rather than biased by leading statements and opinion or influenced by interest groups without the support of reputable science.	The assessments of effectiveness and the prescribed scores are incomplete, and are subjective.
	Costs / benefits		Ditto	Incomplete. Lack objectivity in some instances.
	Use of language		Ditto	There is a flavor of seeking to appease which devalues the quality of the Evaluation Report.